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RICKY TSENG CHAN

UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA – PHOENIX DIVISION

RICKY TSENG CHAN,

Plaintiff,

vs.

THUNDERBIRD COLLECTION  
SPECIALISTS, INC.; and DOES 1 to  
10, inclusive,

Defendants.

Case No.:

**COMPLAINT FOR VIOLATION  
OF THE FEDERAL FAIR DEBT  
COLLECTION PRACTICES ACT**

(Amount not to exceed \$10,000)

**COMPLAINT**  
**INTRODUCTION**

1. Ricky Tseng Chan (Plaintiff), an individual consumer, brings this action to secure redress from unlawful collection practices engaged in by Thunderbird Collection Specialists, Inc. (Defendant) for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* (FDCPA), which prohibits debt collectors from engaging in abusive, deceptive and unfair practices in connection with the collection of consumer debts.

COMPLAINT FOR DAMAGES - 1

Case No. \_\_\_\_\_

**JURISDICTION**

2. Jurisdiction of this court arises under 15 U.S.C. § 1692k(d) and 28 U.S.C. §§ 1331. Venue in this district is proper in that Defendant transacts business here and Defendant's collection communications were received by Plaintiff here.

**PARTIES**

3. Ricky T. Chan (Plaintiff) is an individual, residing in Peoria, Maricopa County, AZ 85383. Plaintiff is a natural person from whom a debt collector seeks to collect a consumer debt which is due and owing or alleged to be due and owing from such person, and thus Plaintiff is a "consumer" as defined by the FDCPA, 15 U.S.C. § 1692a(3).

4. Upon information and belief, Thunderbird Collection Specialists, Inc. (Defendant) is incorporated under the laws of the State of Arizona, with its principal place of business at 3200 N. Hayden Rd., Suite 100, Scottsdale, AZ 85251.

5. Upon information and belief, Defendant's principal purpose is the collection of debts and Defendant regularly collects or attempts to collect the debts owed or due or asserted to be owed or due another. Defendant regularly uses the telephone and the mail to engage in the business of collecting debt in several states including, California. Thus, Defendant is a "debt collector" as defined by the FDCPA, 15 U.S.C. § 1692a(6).

6. The true names and capacities, whether individual, corporate, or in any other form, of Defendants DOES 1 through 10, inclusive, and each of them, are unknown to Plaintiff, who therefore sues them by such fictitious names. Plaintiff will seek leave to amend this Complaint to show the true names and capacities of DOES 1 through 10 should they be discovered.

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**FACTUAL ALLEGATIONS**

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2 7. Within one year prior to the filing of this action, Defendant contacted  
3 Plaintiff in an attempt to collect a debt originally held by another (alleged debt).  
4 The alleged debt is an obligation or alleged obligation of a consumer to pay money  
5 arising out of a transaction in which the money, property, insurance, or services  
6 which are the subject of the transaction are primarily for personal, family, or  
7 household purposes, whether or not such obligation has been reduced to judgment.  
8 Thus, the alleged debt is a "debt" as defined by 15 U.S.C. § 1692a(5).

9 8. Upon information and belief, within one year prior to the filing of this  
10 action, Defendant contacted Plaintiff from telephone numbers (480) 946-3299 and  
11 (877) 488-1829 for the purpose of collecting the alleged debt.

12 9. Plaintiff initially informed Defendant's agent that Plaintiff was  
13 represented by an attorney, and that the alleged debt Defendant was attempting to  
14 collect on was included in Plaintiff's bankruptcy.

15 10. Upon information and belief, Defendant called Plaintiff and was  
16 abusive and used offensive language in its communication with Plaintiff.

17 11. Plaintiff asked Defendant to stop calling Plaintiff at his home and  
18 work, and instead to direct all calls to Plaintiff's attorney.

19 12. Nonetheless, Defendant repeatedly and continuously called Plaintiff's  
20 home telephone number and work phone number for the purpose of collecting the  
21 alleged debt.

22 13. Within one (1) year preceding the date of this Complaint, Defendant,  
23 in connection with the collection of the alleged debt, attempted to communicate  
24 with Plaintiff at their place of employment after being informed that Plaintiff's  
25 employer does not allow such communication.

26 14. Upon information and belief, Plaintiff again requested Defendant to  
27 cease all communications, but Defendant continued to place phone calls to  
28 Plaintiff.

1        15. Within one (1) year preceding the date of this Complaint, Defendant,  
2 in connection with the collection of the alleged debt, contacted Plaintiff by leaving  
3 a voicemail communication for Plaintiff in which Defendant did not identify that  
4 the communication was from a debt collector.

5        16. The natural and probable consequences of Defendant's conduct was to  
6 harass, oppress or abuse Plaintiff in connection with the collection of the alleged  
7 debt.

8        17. The natural and probable consequences of Defendant's conduct  
9 amounts to an unfair or unconscionable means to collect or attempt to collect the  
10 alleged debt.

11        18. Upon information and belief, Defendant's illegal and abusive  
12 collection communications as described above were the direct and proximate cause  
13 of severe emotional distress on the part of Plaintiff.

14                    **FIRST CAUSE OF ACTION**

15                    **(Violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692)**

16        18. Plaintiff incorporates herein by reference all of the above paragraphs  
17 of this Complaint as though fully set forth herein at length.

18        19. Defendant violated the FDCPA. Defendant's violations include, but  
19 are not limited to, the following:

20                    A. Defendant violated §1692c(a)(2) of the FDCPA by  
21 communicating with Plaintiff after it knew that Plaintiff was  
22 represented by an attorney; and

23                    B. Defendant violated §1692c(a)(3) of the FDCPA by  
24 communicating with the Plaintiff at the Plaintiff's place of  
25 employment when the Defendant knew or had reason to know that the  
26 Plaintiff's employer prohibits the Plaintiff from receiving such  
27 communication; and  
28

1 C. Defendant violated §1692f of the FDCPA by using unfair or  
2 unconscionable means in connection with the collection of an alleged  
3 debt; and

4 D. Defendant violated §1692d of the FDCPA by engaging in  
5 conduct the natural consequences of which is to harass, oppress, or  
6 abuse any person in connection with the collection of an alleged debt;  
7 and

8 E. Defendant violated §1692e(10) of the FDCPA by failing to  
9 disclose in a communication subsequent to the initial communication  
10 that was not a formal pleading that the communication was from a  
11 debt collector.

12 F. Defendant violated §1692e(11) of the FDCPA by failing to  
13 disclose in a communication subsequent to the initial communication  
14 that was not a formal pleading that the communication was from a  
15 debt collector.

16 G. Defendant violated §1692f(1) of the FDCPA by attempting to  
17 collect a debt not permitted by law, since the alleged debt Defendant  
18 was attempting to collect on had been included in bankruptcy.

19 20. Defendant's acts as described above were done intentionally with the  
20 purpose of coercing Plaintiff to pay the alleged debt.

21 21. As a result of the foregoing violations of the FDCPA, Defendant is  
22 liable to Plaintiff for declaratory judgment that Defendant's conduct violated the  
23 FDCPA, actual damages, statutory damages, and costs and attorney fees.

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**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests that judgment be entered against Defendant for the following:

- A. Actual damages pursuant to 15 U.S.C. § 1692k(a)(1) ;
- B. Statutory damages pursuant to 15 U.S.C. § 1692k(a)(2);
- C. Costs and reasonable attorney fees pursuant 15 U.S.C. § 1692k(a)(3);
- D. For such other and further relief as the Court may deem just and proper.

**DEMAND FOR JURY TRIAL**

Please take notice that Plaintiff demands a trial by jury in this action.

Dated this 12<sup>th</sup> day of June, 2013

RESPECTFULLY SUBMITTED,  
PRICE LAW GROUP, APC

By: /s/ David A. Chami  
David A. Chami, Esq.  
Attorney for Plaintiff